

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

WACHOVIA BANK, NATIONAL)	
ASSOCIATION, successor by)	
merger to SouthTrust Bank,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	3:07cv993-MHT
)	
CABANA WEST, L.P., et al.,)	
)	
Defendants.)	

ORDER

The allegations of the complaint in this lawsuit are insufficient to invoke this court's removal jurisdiction under 28 U.S.C. § 1332 (diversity of citizenship). To invoke jurisdiction based on diversity, the complaint must distinctly and affirmatively allege each party's citizenship. McGovern v. American Airlines, Inc., 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam). The allegations must show that the citizenship of each plaintiff is different from that of each defendant. 28 U.S.C. § 1332.

The complaint is insufficient because it does not indicate the citizenship of Cabana West, L.P. If the entity is a partnership, the complaint must indicate the citizenship of the individual partners, both general and limited. Carden v. Arkoma Associates, 494 U.S. 185 (1990).

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has until November 15, 2007, to amend the complaint to allege jurisdiction sufficiently, see 28 U.S.C. § 1653; otherwise this lawsuit shall be dismissed with prejudice.

DONE, this the 8th day of November, 2007.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE